

Notice of Allowability

Application No.

09/453,936

Examiner

Bradley Edelman

Applicant(s)

MOTOYAMA ET AL.

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 10/05/04.
2. ☒ The allowed claim(s) is/are 1,2,4-14 and 16-22.
3. ☒ The drawings filed on 17 May 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1/4/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kurt Berger on January 4, 2005.

The application has been amended as follows:

IN THE SPECIFICATION:

1. On pages 2-3 of the specification delete the entire section labeled "Cross-Reference to Related Applications" and replace it with the following:

--Cross-Reference to Related Applications

The present application is related to the following U.S. applications and patents: application No. 09/440,692 of 1999-11-16; application No. 09/440,647 of 1999-11-16, now U.S. Patent No. 6,662,225; application No. 09/440,646 of 1999-11-16; application No. 09/440,693 of 1999-11-16; application No. 09/440,645 of 1999-11-16; application No. 09/408,443 of 1999-09-29, now U.S. Patent No. 6,631,247; application No. 09/407,769 of 1999-09-29, now U.S. Patent No. 6,581,092; application No. 09/393,677 of 1999-09-10; application No. 09/311,148 of 1999-05-13; application No. 09/192,583 of 1998-11-17; application No. 09/190,460 of 1998-11-13, now U.S. Patent No. 6,208,956; application No. 08/883,492 of 1997-06-26; application No. 09/108,705 of 1998-07-01; application No. 09/107,989 of 1998-07-01, now U.S. Patent No. 6,801,331; application

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No. 08/997,482 of 1997-12-23, now U.S. Patent No. 6,085,196; application No. 08/997,705 of 1997-12-23, now U.S. Patent No. 6,279,015; application No. 08/738,659 of 1996-10-30; application No. 08/738,461 of 1996-10-30; application 09/457,669 of 1999-12-09; application No. 08/916,009 of 1997-08-21, now abandoned; application No. 07/902,462 of 1992-06-19; application No. 07/549,278 of 1990-07-06; U.S. Patent No. 5,908,493; U.S. Patent No. 5,887,216; U.S. Patent No. 5,818,603; U.S. Patent No. 5,819,110; U.S. Patent No. 5,774,678; U.S. Patent No 5,649,120; U.S. Patent No. 5,568,618; U.S. Patent No. 5,544,289; U.S. Patent No. 5,537,554; and U.S. Patent No. 5,412,779. This application is also related to the following co-pending applications: Application No. 09/453,934, filed May 17, 2000; and Application No. 09/453,935, filed May 17, 2000; and Application No. 09/453,937, filed May 17, 2000, all of which are filed on even date herewith. The contents of each of the above listed application and patents are incorporated herein by reference.--

2. On page 10 of the specification, please replace the phrase "by <http://www.ietf.org/rfc.html>" with the phrase --on the Web at [ietf.org/rfc.html](http://www.ietf.org/rfc.html)--.

Allowable Subject Matter

Claims 1, 2, 4-14, and 16-22 are allowed.

These claims are allowable as a result of Applicant's amendments, and for the reasons stated in the previous office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is 571-272-3953. The examiner can normally be reached from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached at 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BE
January 12, 2005